

## 12.130 VICE CONTROL AND ENFORCEMENT RESPONSIBILITIES

### ***Reference:***

Procedure 12.715, Property and Evidence: Confiscation, Accountability, Processing, Storage and Release

Procedure 12.720, Evidence: Submitting for Physical Analysis

### ***Policy:***

Enforce laws and ordinances dealing with the suppression of illicit activity in liquor, gambling, prostitution, narcotics, obscene materials, and regulatory violations.

### ***Procedure:***

#### A. District Responsibilities

1. Function as the first line operation responsible for the control and suppression of vice activity.
2. Enforce all laws, ordinances, and regulations for the control or suppression of liquor, gambling, prostitution, narcotics, obscene materials, and regulatory violations.
  - a. Refer enforcement plans for obscene material violations involving commercial operations to the Central Vice Control Section (CVCS) for investigation and coordination with the prosecutor.
3. Inspect public and commercial amusement places for conditions affecting the health and moral welfare of the community and activities or devices having a gambling potential.
4. Investigate and make recommendations to CVCS on liquor permit renewal requests, location and ownership transfer requests, and issuance of new permits.
5. Direct requests for Liquor Commission hearings on reported violations to CVCS. CVCS will process the requests through the local office of the Ohio Investigative Unit.
6. Be alert for patterns, trends, or any type of organized vice activity. If found, relay the information to CVCS and concerned district personnel.

7. Request assistance, when necessary, from CVCS for vice cases, court case preparation, filing criminal complaints, search warrants, etc.
8. Process property needing analysis through the Court Property Unit.
9. Maintain a rapport with CVCS; Department bureaus; and public, private, and other government agencies concerned with vice control.
10. Prepare reports and maintain records necessary to vice enforcement or as prescribed by the Patrol Bureau Commander.
  - a. Ensure the blocks on the Form 527, Arrest and Investigation Report, pertaining to vice activity are completed, i.e., Vice Activity Arrest, Type of Premises, and Forfeiture Application DIS-94.
11. Improve the enforcement effort by participating in public information programs and personnel training.
12. Maintain license and permit files.
  - a. Each district will maintain a file of all businesses within the district boundary required by statute or ordinance to secure liquor licenses or permits to operate.
    - 1) File each business alphabetically and by "DBA" (Doing Business As).
    - 2) Use Ohio Division of Liquor Control (ODLC) Form 29, Record of Licensed Places, for these records.
  - b. Prepare an extra copy of the Form 301, Incident Report, or other official documents when an incident occurs in a liquor permit premise or has its origin there.
    - 1) File this copy in the district file, noting the DBA of the liquor permit premise and the correct address under "Type of Premises Where Offense Occurred".
    - 2) Forward a copy to CVCS.
  - c. Prepare Form 526A, Liquor Permit Premises Vice Activity, for all fights, disorders, violations, or unwholesome conditions arising in, or from, the operation of licensed liquor establishments. If an arrest has occurred, make a copy of the Form 527 instead.

- d. File Forms 526A and 527 in the district file, noting the DBA of the liquor permit premise and the correct address under "Type of Premises Where Offense Occurred".
    - 1) Forward a copy to CVCS.
  - e. District commanders will designate a supervisor and officer to maintain these files. District commanders will make periodic checks to ensure the designated supervisor is properly maintaining the files.
13. Notify CVCS of pharmaceutical diversion activities occurring within the district's boundaries.
- a. The following circumstances will constitute cause to contact CVCS or request recall:
    - 1) The arrest of an employee of any health facility, hospital, nursing home, doctor's office, etc., for the possession or theft of any amount of dangerous drugs. The arrest of any of the above employees in a non-alcohol related Operating a Vehicle Under the Influence (OVI) offense.
    - 2) The arrest of any subject in illegal possession of the bulk amount or more of any schedule II controlled pharmaceutical substance, or 100 dosage units or more of any other controlled pharmaceutical substances or dangerous drugs.
    - 3) The arrest of a subject for, or any attempt or complicity to, the following offenses:
      - a) Theft (Drugs) - ORC Section 2913.02
      - b) Medicaid Fraud - ORC Section 2913.40
      - c) Insurance Fraud - ORC Section 2913.47
      - d) Workers' Compensation Fraud - ORC Section 2913.48
      - e) Trafficking in Drugs (Dangerous Drugs) - ORC Section 2925.03
      - f) Deception to Obtain a Dangerous Drug - ORC Section 2925.22

g) Illegal Processing of a Drug Document - ORC Section 2925.23

- b. When an officer responds to a pharmacy for a stolen, altered, or forged prescription, and an arrest neither occurs nor is imminent, the prescription remains at the pharmacy. The responding officer will notify CVCS by the next business day. CVCS will receipt and preserve the evidence. Instruct the pharmacist to preserve the prescription for possible latent fingerprints. Do not handle the prescription.

B. Central Vice Control Section (CVCS) Responsibilities

- 1. Assist Patrol Bureau in the suppression of liquor, gambling, prostitution, narcotics, obscene material, and regulatory violations. CVCS will exercise staff supervision of Department activities in these efforts.
- 2. Monitor vice conditions throughout the city and keep the Police Chief, Investigations Bureau Commander, and district commanders informed of situations needing attention.
  - a. Notify Intelligence Section of any organized activity.
- 3. Actively engage in vice enforcement and involve district personnel in these activities.
  - a. Take immediate enforcement action on vice violations without involving district personnel when a delay would jeopardize the successful prosecution of the violation.
    - 1) Prepare a Form 526, Vice Activity Report, if an arrest has not occurred. Forward a copy of the form to the affected district.
    - 2) If an arrest has occurred, forward a copy of the Form 527 to the affected district.

4. Act as the liaison between the Department, Ohio Investigative Unit, and the Ohio Attorney General's Office.
  - a. CVCS prepares all requests for Liquor Control Commission citations on reported violations. Requests are submitted through the local office of the Ohio Investigative Unit.
  - b. Notify the district commander, in writing, if a reported violation was not submitted to the Liquor Control Commission for a hearing.
5. Act as the Department's liaison with Hamilton County and City of Cincinnati Prosecutor's Offices in obscene material cases involving commercial operations. Participate in enforcement planning for such violations with district personnel and the prosecutor.
6. Provide assistance to Department personnel in any vice case, especially in court case preparation, filing criminal complaints, and writing search warrants.
  - a. If requested, assistance may include actual participation in planning, investigation, arrest, and court presentation.
7. Field test suspected evidence when requested.
8. Participate in recruit and in-service training programs.
9. Aid in preparing public information programs which will improve the enforcement effort.
10. Keep Department personnel informed of new laws, court decisions, etc., relating to vice activity.
11. Make reports and maintain records necessary to their operation.
12. Maintain a master vice activity file.
  - a. Maintain photographs of those actively engaged in various vice activities. File by type of activity.
  - b. Information from files is accessible to authorized personnel upon request through a CVCS supervisor.

13. Be the central repository for all vice activity documents.
    - a. Review and analyze vice activity records to determine patterns, trends, or any type of organized activity. Give special attention to activities which cross district and city boundaries.
    - b. Provide for an orderly flow of information to concerned units and jurisdictions.
  14. CVCS is available to district personnel for recall to investigate pharmaceutical diversion activity. CVCS personnel need involvement in an investigation shortly after an arrest. This includes an opportunity to interview the prisoner or to offer any assistance to the arresting officer.
  15. CVCS will investigate the following cases:
    - a. The illegal diversion of pharmaceutical drugs.
    - b. Health care insurance fraud.
- C. Reporting Conditions of Liquor Permit Premises
1. Notify CVCS of suspected criminal or regulatory violations.
    - a. Officers may conduct warrantless administrative inspections subject to the following limitations:
      - 1) There is reasonable suspicion that evidence of violations of the Liquor Control Act and/or rules of the Liquor Control Commission would be found in the licensed premises.
      - 2) Inspections are conducted for the limited purpose of determining compliance with the Liquor Control Act and rules adopted by the Liquor Control Commission.
      - 3) Inspections are conducted only during those hours when the permit holder is open for business or when it reasonably appears all or part of the business is in use.
      - 4) Inspections may include only those portions of the property which are part of the licensed premises.
      - 5) Warrantless administrative inspections can include locked closets, filing cabinets, cellars, attics, storage rooms, desks, and safes located in the liquor premises.

D. Arrests on Premises Where Liquor is Sold

1. Case preparation for arrests on a liquor permit premises consists of:
  - a. Processing and analysis of liquor evidence.
  - b. Preparation of Form 527 and Form 529L, Request for Citation.
  - c. In cases involving a minor, the presence of the minor is necessary in court.
    - 1) Only certified copies of birth records are admissible as evidence.
      - a) Route requests for certified copies of birth/death certificates through CVCS. The request should include the first, middle, and last name of the individual, their sex, race, age, date of birth, father's name, mother's maiden name, city, county, state, and hospital of birth.
      - b) CVCS will forward the request to the Bureau of Vital Statistics and return the certified copy to the requesting officer.
    - 2) If certified copies of birth records are not available, the Form 529L must identify the minor's natural parents who can verify age.
      - a) The Form 529L should contain information concerning the minor's date of birth, city, county, state, hospital of birth, address, father's name, and mother's maiden name.
    - 3) Take a written statement from minors whenever possible.
  - d. Complete Form 529L for violations of the Liquor Control Act or Liquor Control Commission regulations. Also complete Form 529L for the arrest of a permit holder, agent, or employee involving violations of laws, ordinances, or liquor regulations on permit premises.
    - 1) CVCS retains original copy.
    - 2) Send copy to affected district.

- e. Make two copies of the Form 527 on all vice arrests.
  - 1) One copy to CVCS.
  - 2) One copy for the affected district.
- f. When filing liquor cases with no local charges and the case will go directly before the Liquor Control Commission, handle in the following manner:
  - 1) Complete Forms 529L and 526A in duplicate.
    - a) Original to CVCS.
    - b) Duplicate for the district file.
  - 2) CVCS will be responsible for the administrative preparation of the case before the Liquor Control Commission.
  - 3) Court Property Unit will process evidence gathered for presentation to the Liquor Control Commission. Form 330, Property Receipt, will indicate "Columbus Only".
    - a) Unsealed evidence requires analysis prior to submission to the Liquor Control Commission.
    - b) Sealed evidence for presentment to the Liquor Control Commission does not have to be analyzed. Hamilton County Municipal Court requires sealed evidence to be analyzed.
- g. In liquor cases involving multiple arrests, mark and tag all evidence under the legal name of the DBA appearing on the permit license. Write in red across the evidence tag "Hold for Columbus".
  - 1) List names of all arrested on the evidence tag after the DBA name.



2. Arrests on premises where liquor is sold without a permit:
  - a. Refer to Procedure 12.720 concerning analysis and processing of liquor evidence.
  - b. Make two copies of the Form 527.
    - 1) Send original to CVCS.
    - 2) Duplicate for district file.

E. Liquor Permits - Renewal, Transfer, or Issuance of New Permits

1. Route all correspondence concerning renewal, transfer, or issuance of liquor permits through CVCS. The CVCS Commander will make all recommendations to the ODLC in writing with the signed approval of the Police Chief, Law Department, and City Council.
2. Location transfers or new permit applications:
  - a. The ODLC will send Form DLC 4053, Police Notification, for requests for liquor permits, transfer of applications, etc., to the Clerk of Council.
    - 1) CVCS prepares Form 474, Renewal, Transfer or Issuance of Liquor Licenses, and sends it to the involved district commander who will investigate and notify CVCS of approval or disapproval. Forward completed paperwork, including the Form 529LI, Liquor Permit Premises Inspection Report, to CVCS.
      - a) If disapproved, district commanders will note their disapproval on a Form 17 listing objections.
        - 1] Send original to CVCS.
        - 2] Place copy in the district file.
    - 2) CVCS will notify the Mayor and Members of Council by letter of the Department's approval/disapproval of the new permit, renewal, or transfer request.
  - b. ODLC Form DLC 4053:
    - 1) Upon receipt of the above forms, CVCS will complete the Form 474 and any companion ODLC forms.

- a) CVCS will document any criminal records on the Form 243A, Police Department Conviction Record Transcript.
- 2) Forward copies of Form 474 and the companion ODLC forms to the affected district commander for approval or disapproval.
- 3) The ODLC regards the following as objectionable:
  - a) Conviction of the applicant for felonies or other crimes relating to his ability to operate a liquor establishment.
  - b) An applicant's alcoholism or drug addiction.
  - c) A prior unfavorable enforcement record.
  - d) Nonconformity with building, safety, or health requirements.
  - e) Inaccessibility by law enforcement authorities.
  - f) The establishment will substantially interfere with the public decency, sobriety, peace, or good order of the neighborhood.
  - g) The establishment will substantially and adversely interfere with the normal orderly conduct of a church, library, public playground, school, or hospital.
  - h) The granting or transferring of a permit will be detrimental to the morals, safety, or welfare of the public.
  - i) Adverse effect of saturation of the area with other liquor establishments.
- 4) The district commander will immediately investigate and record a recommendation on the Form 474 and return all copies to CVCS.
  - a) Objections: Note objections on a Form 17 and return to CVCS.

- b) No objections: Write no objections in the "Recommendation" section of Form 474 and return to CVCS.
- 5) The CVCS Commander will make recommendations on the Form 474 and route it through the channels for the Police Chief's signature. The Police Chief will sign the Form 474 and return it to CVCS.
- 6) The CVCS Commander will state on the Liquor Control Commission Application whether the Department approves or disapproves the new permit, location, transfer, etc.
  - a) CVCS will file a copy of Form 474 and the companion ODLIC forms.
- 3. Permit renewals:
  - a. ODLIC issues all renewals each year in June.
    - 1) At renewal time, each district commander will investigate and determine recommendations for permit renewal. Check the accuracy of the district permit file information.
    - 2) Forward complaints against a permit premise to CVCS each year at renewal time.
      - a) Renewal objections will address enforcement actions occurring on the permit premise during the past year. The liquor permit year is June to June.
        - 1] Attach a list of radio runs, a description of the nature of the run, and disposition.
      - b) Record the reason for objection on a Form 17 and forward to the Police Chief. List the names of officers who can testify about conditions existing on the premises.
        - 1] CVCS submits their recommendations to the Police Chief for consideration.
      - c) No action is necessary when there is not an objection to a permit renewal.

- 3) Districts must complete a Form 17 for all annual renewal objections, both new and reaffirmed.

#### F. Gambling Investigations

1. On all suspected gambling operations, the unit initiating the activity will prepare a Form 526, listing all the facts and forward to CVCS.
  - a. Personnel will not visit suspected gambling places alone unless authorized by an immediate supervisor. In some instances, infiltration by civilian clothes personnel is necessary to secure evidence. In these cases, obtain prior permission from a supervisor.
  - b. Whenever possible, a supervisor will accompany personnel in the investigation of suspected gambling places.
2. A supervisor will respond and observe the accounting of all money or equipment held as evidence in gambling arrests.
  - a. Record claims to money, but do not determine ownership.
  - b. Ensure all proper reports are made and seized property protected.
3. CVCS and each police district will maintain a file on gambling operations. Each file will contain the following:
  - a. Correct street addresses and locations within the buildings.
  - b. Owner of building.
  - c. Lessee of building.
  - d. Backer of game.
  - e. Forms 526, 527, and other information pertaining to such address.
4. Make three copies of Form 526 on all investigations of gambling locations.
  - a. Original to CVCS.
  - b. One copy for the initiating unit.

- c. One copy for affected district.
- 5. Make three copies of the Form 527 on gambling arrests.
  - a. One copy to CVCS.
  - b. One copy for the initiating unit.
  - c. One copy for the affected district.
  - d. If an organized ring is suspected, send a copy to Intelligence Section.
- 6. CVCS will prepare a letter to the property owner relating the facts and apprise the owner of possible criminal sanctions for future violations.
  - a. Send the letter by registered mail with personal receipt requested.
- 7. Maintain a copy of the owner's notice in the gambling files.
- 8. Charge all persons found participating in gambling games under Ohio Revised Code (ORC) Sections 2915.02 - Gambling, 2915.03 - Operating a Gambling House, or 2915.04 - Public Gaming.

G. Pinball Machine Seizures

- 1. When observing unlawful use of a pinball machine, confiscate and process the machine. Deliver the machine to the Court Property Unit.
- 2. Remove the exhibitor's license from the premises and send to Court Property Unit in a property envelope. If the license is under the glass of the machine and not accessible, send the license with the machine to the Court Property Unit.
- 3. Prepare a Form 17 including the following information:
  - a. Time and date of arrest or incident.
  - b. Arresting officer.
  - c. Persons arrested and charges.
  - d. Address and type of business where violation occurred.
  - e. Facts concerning violation.

- f. Make of machine and serial number, if available.
  - g. Machine license number, distributor, person to whom issued, and the expiration date of the license.
  - h. Exhibitor's license number and to whom issued.
  - i. Forward copies of the Form 17 to CVCS and Intelligence Section.
- 4. The arresting officer will promptly submit a supplemental Form 17 reporting the court disposition.
  - 5. Following conviction, CVCS will send a destruction order request to the Clerk of Council.

#### H. Pornography Cases

- 1. When Department members are advised of, or come into contact with, pornography, other than mere possession, they will notify CVCS.
  - a. Report all cases of child pornography to CVCS and the Personal Crimes Unit.
- 2. The CVCS Commander will assign personnel to investigate the complaint.
  - a. CVCS personnel will view the pornographic material, consult the Prosecutor's Office, and make a determination whether to prosecute and the proper charges.
  - b. They will record such information as:
    - 1) Time, date, and location of the violation.
    - 2) Name and address of the theater or store.
    - 3) Name and address of the owner; if a corporation, names and addresses of the corporation and officers.
    - 4) Name and address of the theater or store manager.
    - 5) Name and address of the projectionist, if a theater.
    - 6) Names of all police and civilian witnesses.

- c. CVCS will notify the originating unit of action taken, if any.

# I. Drug Abuse Locations

1. When officers believe probable cause exists to file a violation of Cincinnati Municipal Code (CMC) 911-5 (c), Permitting Drug Abuse, they will:
  - a. Prepare a Form 526 listing the facts and a written summary of evidence and submit to CVCS for review. Make three copies of the Form 526 and distribute as follows:
    - 1) Original to Central Vice Control Section.
    - 2) Copy for the initiating unit.
    - 3) Copy for the affected district.
2. No enforcement action will be taken without administrative review by CVCS.
3. Upon approval, an investigative packet will be returned to the originating officer who will file a criminal complaint. Upon arrest or citation, send a copy of the Form 527 or Form 314, Notice to Appear, to CVCS.
4. When a felony drug offense is committed on property owned by another, CVCS will prepare a notification letter to the property owner, lessee, occupant, custodian, or supervisor of the location. It will relate the facts and apprise the responsible party of their responsibilities and possible arrest for future violations.
  - a. Make notification within 72 hours by certified mail, return receipt requested, or by personal service with a signature as receipt.
  - b. District CPOP officers will assist in personally notifying the owners, occupants, custodians, etc., of drug abuse locations.
5. CVCS and each police district will maintain a file on drug abuse locations. Each file will contain the following:
  - a. Correct street addresses and locations of drug abuse location premises, real estate, or vacant land, including specified areas (e.g., "Apartment 123," "first floor," "northwest corner," etc.).
  - b. Owner of premises or real estate.

- c. Lessee of premises or real estate.
  - d. Arrestees and their addresses.
  - e. Forms 526, 527, and any other information pertaining to drug arrests at these addresses.
- 6. Maintain a copy of the owner's notice in the drug abuse location files.
- 7. Charge persons found participating in drug abuse under Ohio Revised Code Chapter 2925, Drug Offenses, where applicable.
- 8. Property held as evidence in drug abuse location arrests will be processed according to Procedure 12.715.
  - a. Ensure all proper reports are made and seized property protected.
- 9. Make three copies of the Form 527 of a drug abuse location arrest:
  - a. Copy to CVCS.
  - b. Copy for the initiating unit.
  - c. Copy for the affected district.
  - d. If an organized ring is suspected, send a copy to Intelligence Section.